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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,946	10/30/2003	Ravi Ganesan	23952-0061	6253
29052	7590	05/11/2007	EXAMINER	
SUTHERLAND ASBILL & BRENNAN LLP			OSBORNE, MATTHEW C	
999 PEACHTREE STREET, N.E.			ART UNIT	
ATLANTA, GA 30309			PAPER NUMBER	
			3694	
MAIL DATE		DELIVERY MODE		
05/11/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/695,946	GANESAN, RAVI	
	Examiner Matthew Osborne	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 February 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 32,33,35,36,38,39,41,42 and 44-70 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 32,33,35,36,38,39,41,42 and 44-70 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 February 2007 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed on February 21, 2007. Claims 32-33, 35-36, 38-39, 41-42, and 44-70 are pending. Claims 34, 37, 40, and 43, are withdrawn. Claims 32, 33, 38, 39, 44, 60, and 64-66, are amended. Claims 67-70 are new.

Response to Arguments

1. Applicant's arguments with respect to claims 32-33, 35-36, 38-39, 41-42, and 44-70, have been considered but are moot in view of the new ground(s) of rejection.
2. In response to Applicant's arguments with respect to the Examiner's drawing objections, the arguments have been fully considered and are persuasive. The objections to the drawings have been withdrawn.
3. In response to Applicant's arguments with respect to submission of a terminal disclaimer, the Examiner notes that an attorney not of record signed the terminal disclaimer, resulting in disapproval of the disclaimer, and requests that a corrected terminal disclaimer be filed to successfully traverse this standing rejection.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 32-66 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 15 of U.S. Patent No. 6,678,664 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite means or steps that are substantially the same and that would have been obvious to one of ordinary skill in the art.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 32, 38, 44-52, 59-65, and 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US 5,590,197) in view of Egendorf (US 5,794,221).

8. Re Claims 32 and 67-68, Chen discloses an electronic payment system and method comprising:

- [Claim 32] receiving, at a central processing point and from a point of purchase, information identifying a purchaser (see at least Column 6, Lines 48-57, where merchant forwards modified authorization ticket, which contains “personal information required” as per Column 4, Line 65);
- processing the received identifying information at the central processing point to determine if the purchaser is a registered purchaser (see at least Column 6, Lines 48-57);
- transmitting, from the central processing point to a point of purchase, a notice confirming registration, if the purchaser is determined to be a registered purchaser (see at least Column 6, Lines 48-57); and
- receiving, at the central processing point, an instruction for paying for a purchase on behalf of the purchaser (see at least Column 6, Lines 48-57, where request is

embedded in encrypted key provided by purchaser and merchant information);

and

- directing a payment for the purchase on behalf of the purchaser based on the determination that the purchaser is a registered purchaser and the received instruction for paying for the purchase (see at least Column 5, Lines 48-55).
- [Claim 68] receiving a payment authorization from the purchaser (see at least Column 4, Lines 54-58) wherein directing the payment for the purchase comprises directing the payment for the purchase subsequent to receiving the payment authorization. (see at least Column 5, Lines 42-60)

Chen does not specifically disclose receiving the information identifying a purchaser without receiving any payment account information for a payment account of the purchaser or storing associated billing information or the instruction for paying for the purchase being received in a second communication subsequent to the communication of identifying information. However, Egendorf discloses an “internet billing method” which includes a step where “the transaction information is obtained by provider 2. The communication can be a separate transmission by the vendor Provider 2 can then send verifying information to one or both of the customer and vendor to indicate that the transaction has been approved.... Most importantly, the entire transaction takes place without the need of communicating the customer’s credit card or other account number over the Internet 1” (see Column 5, Lines 30-42). Egendorf further discloses “prior to the billing of the transaction amount to the account of the customer, and after obtaining the transactional information, the provider can

obtain approval from a third party to bill the transaction amount to the billing account" (see at least Column 5, Line 67 through Column 6, Line 4). Further, the Examiner takes Official Notice that it was well-known in the art at the time of invention for payment systems to store records of payment transactions. Since both Chen and Egendorf relate to payment systems utilizing network, it would therefore be obvious to one of ordinary skill in the art at the time of invention to incorporate the transmission of "transactional information" without account information of Egendorf, the approval payment instruction communication of Engendorf, and storage of records as known in the art into the payment system of Chen in order to "maintain the security of the information" (see Egendorf, Abstract) and the transaction.

9. Re Claims 38 and 69-70, Chen discloses an electronic payment system and method comprising:

- [Claim 38] a network interface configured to receive information identifying a purchaser and to receive an instruction for paying for a purchase on behalf of the purchaser (see at least Figure 1, "Secured Network"); and
- a processor (see at least Figure 1, "Credit Processor") configured (i) to determine if the purchaser is a registered purchaser based on the received identifying information, (ii) to direct transmission of a notice confirming registration to the point of purchase, if the purchaser is determined to be a registered purchaser, and (iii) to direct a payment for the purchase on behalf of the purchaser based on the determination that the purchaser is a registered purchaser and the received

instruction for paying for the purchase (see at least Column 6, Lines 48-57, discussed *supra*).

- [Claim 70] the network interface is further configured to receive a payment authorization from the purchaser (see at least Column 4, Lines 54-58) wherein the processor directs the payment for the purchase subsequent to the network interface receiving the payment authorization (see at least Column 5, Lines 42-60)

Chen does not specifically disclose receiving the information identifying a purchaser without receiving any payment account information for a payment account of the purchaser or the processor being configured to store billing information or the instruction for paying for the purchase being received in a second communication subsequent to the communication of identifying information. However, Egendorf discloses an “internet billing method” which includes a step where “the transaction information is obtained by provider 2. The communication can be a separate transmission by the vendor Provider 2 can then send verifying information to one or both of the customer and vendor to indicate that the transaction has been approved.... Most importantly, the entire transaction takes place without the need of communicating the customer’s credit card or other account number over the Internet 1” (see Column 5, Lines 30-42). Egendorf further discloses “prior to the billing of the transaction amount to the account of the customer, and after obtaining the transactional information, the provider can obtain approval from a third party to bill the transaction amount to the billing account” (see at least Column 5, Line 67 through Column 6, Line 4). Further, the

Examiner takes Official Notice that it was well-known in the art at the time of invention for payment systems to store records of payment transactions. Since both Chen and Egendorf relate to payment systems utilizing network, it would therefore be obvious to one of ordinary skill in the art at the time of invention to incorporate the transmission of "transactional information" without account information of Egendorf, the approval payment instruction communication of Engendorf, and storage of records as known in the art into the payment system of Chen in order to "maintain the security of the information" (see Egendorf, Abstract) and the transaction.

10. Re Claims 44-52 and 59, Chen discloses an electronic payment system and method comprising:

- [Claim 44] receiving a communication, transmitted on behalf of a seller to a payment service provider, representing information identifying a purchaser (see at least Column 6, Lines 48-57, where merchant forwards modified authorization ticket, which contains "personal information required" as per Column 4, Line 65);
- confirming that the purchaser is registered with the payment service provider based on the represented information (see at least Column 6, Lines 48-57); and
- accepting a request that the payment service provider pay the seller on behalf of the purchaser, based on the confirmation of registration (see at least Column 6, Lines 48-57).
- [Claim 45] transmitting a communication, from the payment service provider, representing a notice of the confirmation of registration (see at least Column 6, Lines 48-57).

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- [Claim 46] receiving a communication, transmitted on behalf of other than the seller to the payment service provider, representing second information related to the purchaser (see at least Column 6, Lines 12-26); and
- registering the purchaser based on the represented second information (see at least Column 6, Lines 12-26, "wallet is created by the account servicer");
- wherein the communication representing the first information is received subsequent to the purchaser being registered (see at least Column 6).
- [Claim 47] wherein the represented second information includes an identification of the payment account (see at least Column 6, Line 16, "account information").
- [Claim 48] wherein the received communication representing the second information is transmitted on behalf of the purchaser (see at least Column 6, Lines 12-26).
- [Claim 49] wherein the seller is a first seller, the request to pay is a first request to pay, and further comprising:
- subsequent to the purchaser being registered, receiving another communication, transmitted on behalf of a second seller to the payment service provider, representing third information identifying the purchaser without identifying a payment account (see at least Column 6, Lines 48-57, completed with another "Merchant Processor" as shown in Figure 1);
- further confirming that the purchaser is registered based on the represented third information (see at least Column 6, Lines 48-57, completed with another "Merchant Processor" as shown in Figure 1); and

- accepting a second request that the payment service provider pay the second seller on behalf of the purchaser, based on the further confirmation of registration (see at least Column 6, Lines 27-57, completed with another “Merchant Processor” as shown in Figure 1).
- [Claim 50] transmitting a communication, from the payment service provider, representing a first notice of the confirmation of registration based on the represented first information (see at least Column 6, Lines 48-57); and
- transmitting a communication, from the payment service provider, representing a second notice of the further confirmation of registration based on the represented third information (see at least Column 6, Lines 27-57, completed with another “Merchant Processor” as shown in Figure 1).
- [Claim 51] wherein the first seller and the second seller are the same seller (see at least Column 6, Lines 27-57, completed with the same “Merchant Processor” as shown in Figure 1).
- [Claim 52] wherein the represented first information and the represented third information are the same information (see at least Column 6, Lines 48-57, wherein the information sent is the customer’s authorization ticket and merchant embedded information).
- [Claim 59] wherein the communication is received from the seller (see at least Column 6, Lines 48-57).

Chen does not specifically disclose receiving the information identifying a purchaser without receiving any payment account information for a payment account of

the purchaser. However, Egendorf discloses an “internet billing method” which includes a step where “the transaction information is obtained by provider 2. The communication can be a separate transmission by the vendor Provider 2 can then send verifying information to one or both of the customer and vendor to indicate that the transaction has been approved.... Most importantly, the entire transaction takes place without the need of communicating the customer’s credit card or other account number over the Internet 1” (see Column 5, Lines 30-42). Since both Chen and Egendorf relate to payment systems utilizing network, it would therefore be obvious to one of ordinary skill in the art at the time of invention to incorporate the transmission of “transactional information” without account information of Egendorf into the payment system of Chen in order to “maintain the security of the information” (see Egendorf, Abstract).

11. Re Claims 60-65, Chen discloses an electronic payment system and method comprising:

- [Claim 60] a memory configured to store identifiers for purchasers registered with a payment service provider (see at least Column 6, Lines 12-18, where all “information which might be needed during the payment and authentication process” is stored at the account servicer, inherently requiring a memory); and
- a processor configured to receive a communication, transmitted on behalf of a seller, representing information identifying a purchaser, to confirm that the purchaser is registered with the payment service provider based on the represented information and the stored identifiers, and to accept a request that the payment service provider pay the seller on behalf of the purchaser, based on

the confirmation of registration of the purchaser (see at least Figure 1, "Credit Processor").

- [Claim 61] wherein the processor is further configured to direct the transmission of a communication, to representing the confirmation of registration (see at least Column 6, Lines 48-57).
- [Claim 62] wherein the information is first information; and
- the processor is further configured to receive a communication, transmitted on behalf of other than the seller, representing second information related to the purchaser, and to direct the storage of the represented second information in association with an identifier for the purchaser (see at least Column 6, Lines 12-26);
- wherein the communication representing the first information is received subsequent to the directed storage of the represented second information (see at least Column 6).
- [Claim 63] wherein the received communication representing the second information is transmitted on behalf of the purchaser (see at least Column 6, Lines 48-57, where request is embedded in encrypted key provided by purchaser and merchant information).
- [Claim 64] wherein the seller is a first seller; the request to pay is a first request to pay;
- the processor is further configured to receive, subsequent to directing the storage of the represented second information, another communication, transmitted on

behalf of a second seller, representing third information identifying the purchaser without identifying a payment account, to further confirm that the purchaser is registered with the payment service provider based on the represented third information and the stored identifiers, and to accept a second request that the payment service provider pay the second seller on behalf of the purchaser, based on the further confirmation of registration (see at least Column 6, Lines 48-57, completed with another "Merchant Processor" as shown in Figure 1).

- [Claim 65] wherein the processor is further configured (i) to transmit a communication representing a first notice of the confirmation of registration of the purchaser with the payment service provider based on the represented first information and the stored identifiers (see at least Column 6, Lines 48-57), and (ii) to transmit a communication representing a second notice of the further confirmation of registration of the purchaser with the payment service provider based on the represented third information and the stored identifiers (see at least Column 6, Lines 48-57, completed with another "Merchant Processor" as shown in Figure 1).

Chen does not specifically disclose receiving the information identifying a purchaser without receiving any payment account information for a payment account of the purchaser. However, Egendorf discloses an "internet billing method" which includes a step where "the transaction information is obtained by provider 2. The communication can be a separate transmission by the vendor Provider 2 can then send verifying information to one or both of the customer and vendor to indicate that the transaction

has been approved.... Most importantly, the entire transaction takes place without the need of communicating the customer's credit card or other account number over the Internet 1" (see Column 5, Lines 30-42). Since both Chen and Egendorf relate to payment systems utilizing network, it would therefore be obvious to one of ordinary skill in the art at the time of invention to incorporate the transmission of "transactional information" without account information of Egendorf into the payment system of Chen in order to "maintain the security of the information" (see Egendorf, Abstract).

12. Claims 33, 35, 39, 41, 53-57, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. ('197) in view of Egendorf ('221), further in view of Braun (US 3,594,727).

13. Re Claims 33, 35, 39, 41, 53-57, and 66, Chen in view of Egendorf discloses the system of Parent Claims 1, 38, and 44, *supra*. Chen also discloses:

- [Claim 33] receiving, at the central processing point and from the point of purchase, information identifying a purchase price for the purchase (see at least Column 4, Lines 18-21);
- transmitting an authorization for the purchase to the point of purchase (see at least Column 6, Lines 54-57);
- [Claim 39] the network interface is further configured to receive from the point of purchase information identifying a purchase price for the purchase (see at least Column 4, Lines 18-21);
- the processor configured to transmit an authorization for the purchase to the point of purchase (see at least Column 6, Lines 54-57);

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- [Claims 35, 41] wherein the notice confirming registration and the authorization for the purchase are transmitted as a unitary transmission (see at least Column 6, Lines 48-57).
- [Claim 55] wherein the represented information identifies a price for a purchase by the purchaser from the seller (see at least Column 4, Lines 18-21), and
- transmitting a communication, from the payment service provider to the seller, representing a notice that the purchase is authorized (see at least Column 4, Lines 18-21).
- [Claim 57] the transmitted communication also represents a notice of the confirmation of registration (see at least Column 6, Lines 48-57).
- [Claim 66] wherein the represented information identifies a price for a purchase by the purchaser from the seller (see at least Column 4, Lines 18-21);
- the processor is further configured to transmit a communication representing a notice that the purchase is authorized by the payment service provider (see at least Column 4, Lines 18-21).

Egendorf also discloses:

- [Claims 53 and 54] a represented first information identifying the purchaser limited to an address (see at least Column 5, Lines 22-23)
- a represented third information identifying the purchaser with an address and information other than the name, address, driver's license number, or passport number of the purchaser (see at least Column 5, Lines 22-29)

◦ [Claim 55] the function of the purchase price is a relationship between the purchase price and a threshold limit. (see at least Column 6, Lines 19-22) Chen in view of Egendorf does not explicitly disclose [Claims 33, 39] processing to determine if the purchase price exceeds a threshold amount or [Claims 33, 39, 55, 66] transmitting an authorization/notice of authorization if the price is determined not to exceed the threshold amount or [optional element of Claim 56] a relationship between the purchase price and available purchaser funds. However, Braun discloses a credit card banking system in which “[t]he peripheral stations then accept or reject requests for purchases on credit, rejection to occur if a credit limit has been exceeded, payment is overdue, or the like” (Column 4, Lines 6-9). It would therefore be obvious to one of ordinary skill in the art at the time of invention to incorporate the “credit limit” feature of Braun and the optional first and/or third information identifying a purchaser of Egendorf as options for multiple transactions into the electronic payment system and method of Chen in view of Egendorf in order to reduce the credit risk of the unavailable funds to the Credit Processor and the burden of overdrawn funds fees to the User and to give users more options in creating transactions.

14. Claims 53, 54, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. ('197) in view of Egendorf ('221), further in view of Loiacono (US 5,293,422).

15. Re Claims 53 and 54, Chen discloses the method of Parent Claim 49, *supra*. [Claim 53] Chen does not specifically disclose the first information identifying the purchaser including only a first type of information and a third information identifying the

purchaser including the first type and a second type of information. [Claim 54] While Chen discloses an identifying information including a purchaser's authorization ticket (the claimed "second type identifying information"), Chen does not specifically disclose the first type of information being limited to one or more of a name, an address, a driver's license number and a passport number of the purchaser. However, Loiacono discloses a usage control system for computer software in which "the user enters his or her identifier (e.g., his or her last name), and the program compares that identifier with the registered user file to determine if the user has or has not been previously registered" (Column 5, Lines 60-64). It would therefore be obvious to one of ordinary skill in the art at the time of invention to incorporate the registered user identification process of Loiacono into the electronic payment system and method of Chen in order to create a system which allows various methods of identification of the user, without the transmission of an account number, for use with merchants of various trustworthiness or transaction security requirements.

16. Re Claim 58, Chen in view of Egendorf discloses the method of Parent Claim 44, *supra*. While Chen discloses an identifying information including a purchaser's authorization ticket, Chen in view of Egendorf does not specifically disclose the information identifying the purchaser including a first portion and a second portion, the first portion including at least one of a name, an address, a driver's license number and a passport number of the purchaser, and the second portion including other than the name, the address the driver's license number and the passport number of the purchaser. However, Loiacono discloses a usage control system for computer software

in which "the user enters his or her identifier (e.g., his or her last name), and the program compares that identifier with the registered user file to determine if the user has or has not been previously registered" (Column 5, Lines 60-64). It would therefore be obvious to one of ordinary skill in the art at the time of invention to incorporate the registered user identification process of Loiacono into the electronic payment system and method of Chen in view of Egendorf in order to send an extra identification in the identification information which would allow for additional verification of the registered user involved in the transaction.

17. Claims 36 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. ('197) in view of Egendorf ('221), further in view of Matsuura et al. (US 5,315,511 A).

18. Re Claims 36 and 42, Chen in view of Egendorf discloses the limitations of Parent Claims 32 and 38, *supra*. Chen discloses a method and system that directs payment for the purchase on behalf of the purchaser automatically to immediately pay for the purchase (see at least Column 5, Lines 42-60, the completion of the transaction by conducting "Credit Authorization" articulated in Figure 1). Chen in view of Egendorf does not explicitly disclose the received instruction for paying for the purchase on behalf of the purchaser being one of an instruction to immediately pay for the purchase and an instruction to subsequently pay for the purchase, and if the instruction is to immediately pay, to automatically direct payment. However, Matsuura discloses "dealing data compris[ing] data regarding a time requested by the user for transacting ... payment of money [at] the requested branch" (see at least Claim 5). It would therefore be obvious

to one of ordinary skill in the art at the time of invention to incorporate the delayed payment request capability of Matsuura into the electronic payment system and method of Chen in view of Egendorf in order to allow the purchaser more flexibility in paying for goods and services supplied by the merchant and to "improve an efficiency of the use of funds" (Matsuura, Column 2, Line 56).

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Osborne whose telephone number is 571-272-7325. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Osborne
Examiner
AU 3694

JAMES P. TRAMMELL
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M